

COTI & SUGRUE
Attorneys at Law
59 Grove Street Suite 1F
New Canaan, CT 06840
Tel: 203-966-5817
Fax: 203-966-6385

June 29, 2007

BY HAND
Hon. Brian M. Cogan
United States District Judge
United States District Court
225 Cadman Plaza
Brooklyn, NY

Re: Century Jets, LLC v. Forest City Enterprises, Inc.

Dear Judge Cogan:

I represent the Plaintiff in this action. Today I undertook to confirm the electronic filing of the First Amended Complaint in this action, and this is the first time I became aware of the Court's sua sponte Order dated June 15 relating to subject matter jurisdiction.

By way of explanation, but not excuse, I thought I had checked all email notifications relating to this action. On June 15, there were three such notifications: one for the filing of the Complaint, one for the filing of the Summons and the Court's Order. I apparently viewed one of the first two, but then as pagination changed, I inadvertently deleted the Court's Order. I realize I should have re-checked the docket sheet on the Pacer system, something that did not occur to me at this very early stage of the case, although I did check it immediately after the case was filed.

The filing of the Amended Complaint had nothing to do with the Order to Show Cause, which I had not seen, but I can understand the impression the Court would have had given the timing of events. I would never so abjectly ignore a Court Order of which I was aware, and the impression given is troubling.

I enclose a proposed Amended Complaint which corrects the defect identified by the Court as to subject matter jurisdiction. I am requesting permission to serve and file that Amended Complaint. As the case status is that the Complaint was dismissed sua sponte, I, of course, did not simply proceed with another electronic filing. In substance, my hope is that the enclosed would be considered a response to the Court's Order, albeit it one week late, regrettably.

I can conceive of no prejudice to Defendant, but if there be some, surely it can be eliminated. There has been no communication received by me from Defendant subsequent to the filing of the Complaint and Amended Complaint daily.

I apologize for the error, which was very much of a technical nature. Henceforth, I will have the Pacer system checked.

Respectfully yours,

Stephen R. Sugrue